IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.6547 OF 2005

Gouresh Vithoba Chavan ...Applicant
Vs.
The State of Maharashtra ...Respondent

Shri C.K. Pendse for the Applicant.
Ms Rajeshree Gadhvi, A.P.P. for the Respondent.

CORAM : A. S. OKA, J.
DATE : OCTOBER 05, 2005.

P.C.:

1. Heard the Advocate appearing for the Applicant and the learned A.P.P. for the State. The learned Advocate for the Applicant pointed out that the offence registered against the Applicant and co-accused is under section 326 and 34 of the Indian Penal Code. He submitted that only allegation against the Applicant is that he gave a kick blow on the back of the injured person. He, therefore, submitted that the Applicant is entitled to be enlarged on bail. The learned A.P.P. on instructions stated that within a period of fifteen days from today, chargesheet will be filed and therefore, this Application should not be entertained.

2. I have considered the submissions. Even going by the prosecution case, only allegation made against the Applicant is that he gave blow on the back of the

injured person by kick. The injury certificate of the injured person shows that there is only one injury which is C.L.W. over hand which is stated to have been caused by a sword. Thus, even according to injury certificate, no injury is caused to the injured person by the Applicant. Investigation has been substantially completed. Considering the nature of allegation against the Applicant, a case is made out for enlarging the Applicant on bail.

3. Hence, I pass the following order:

: O R D E R :

i) The Applicant shall be enlarged on bail in connection with **C.R.No.271 of 2005 registered with Dadar Police Station,** subject to furnishing a personal bond of **Rs.10,000/-** with one or two sureties in the like amount.

ii) The Bail is granted subject to condition that till filing of the chargesheet, the Applicant will report to the Investigating Officer once in a week.

iii) The Bail is granted subject to condition that the Applicant shall not, directly or indirectly, make

any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

iv) The Applicant shall co-operate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the Applicant to delay the trial may be a ground for cancellation of bail.

v) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vi) Application is disposed of in above terms.

vii) The parties to act upon an authenticated copy of this order.

JUDGE